

REMARKS

The above amendment and these remarks are responsive to the communication from Examiner Lan Dai T. Truong, mailed 9 Mar 2005.

Claims 1-15 are in the case, none as yet allowed.

Specification

Applicants have amended the specification to provide filing data for the related applications listed on pages 1-4.

35 U.S.C. 103

Claims 1, 13, and 15 have been rejected under 35 U.S.C. 103(a) over Katz (U.S. 6,834,294) in view of Arledge et al. (U.S. 6,535,294, hereinafter Arledge), and further in view of Cason, et al. (U.S. 6,681,229, hereinafter Cason).

Claims 2, 3, 4, 5, 8, 9, 10, 11, 12, and 14 have been rejected under 35 U.S.C. 103(a) over Katz in view of Arledge, in view of Cason, and in view of Huben et al. (U.S. 6,094,654, hereinafter Huben), and further in view of Manning (U.S. 6,853,630).

Claim 6 has been rejected under 35 U.S.C. 103(a) over

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Katz, in view of Arledge, in view of Cason, in view of Huben, in view of Manning, and further in view of Schweitzer et al (U.S. 6,418,467, hereinafter Schweitzer).

Claim 7 has been rejected under 35 U.S.C. 103(a) over Katz, in view of Arledge, in view of Cason, in view of Huben, in view of Manning, in view of Schweitzer, and further in view of Callanan (U.S. 6,185,545).

With respect to Katz, the Examiner cites Katz with respect to claims 1-15 as teaching at columns 15 and 16 the concept of a company group identifier, stating that "group ID" is equivalent to "company group identifier". It is apparent that Katz is referring to a group of individual users (see Col. 16, lines 4-9), and not to a "company group", as applicants' claims clearly state. These are distinct concepts, and the idea of "company group" is not suggested by Katz' group of individual users.

Applicants define "company group" in their specification as "each company group of a plurality of distinct company groups including one or more related companies which use the same accounting codes and procedures" [Specification, page 8, lines 10-12.]

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Applicants have amended each independent claims to add this definition for "company group".

With respect to Arledge, the Examiner cites Arledge with respect to claims 1-15 as teaching that a country and state locations in which a particular franchise retail company exists suggest Applicants' "company group", by stating "a company belongs to company group." [Office action, page 3.] However, Arledge does not teach that each of a plurality of distinct company groups include a group of companies which use the same accounting codes and procedures, with accounting codes and procedures that vary between company groups. Applicants have amended all independent claims to recite this characteristic of company groups. [For support for this added limitation, see Specification, page 8, lines 10-12 and page 10, lines 2-3.]

The Examiner argues that one of ordinary skill in the art would be motivated to make the combination of Katz and Arledge "to create new user profile which contain information about locations and franchised retail store as default..." [Office Action, pages 3-4.] Applicants traverse. Even if such motivation is found, which applicants argue is not, the combination does not satisfy

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the requirements of the claims for "company group", as defined in the claims.

In all of the rejections, Arledge is cited for the same teaching. Therefore, the above distinction from Arledge applies equally to all claims.

With respect to Cason, the Examiner cites Cason with respect to claims 1-15 as teaching the following:

...Cason disclosed a system and method for managing access to a relation database. Cason disclosed a human resources (HR) application would need to read HR data and insert it into the employee table if the employee does not exist, or update it if something changed. Cason also taught a method and properties of the user-profile class (DAPIKUserProfile 226) to implement methods for selecting and displaying data such as employee ID, company code and "country code" which is equivalent to "location code" for create or update user profile... It would have been obvious to a person of ordinary skill in the art... to modify "user profile" of Katz to "user profile" could be updated by selecting

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Applicants traverse the rejections of all claims insofar as the rejection of each claim in the case is based in part on the Cason patent. The use of Cason is improper under 35 U.S.C. 103(c)(1), which states:

"(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." [35 U.S.C. 103(c)(1).]

Applicants assume that the Examiner cites Cason in the 35 U.S.C. 103 rejection on the basis that it is prior art under 35 U.S.C. 102(e), which states:

"(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed

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in the United States before the invention by the applicant for patent, except that an international application..." [35 U.S.C. 102(e).]

Cason, et al. U.S. 6,681,229 does not qualify as prior art under 35 U.S.C. 102(e) and 103(c)(1) because it is subject to an obligation of assignment to the same person (the International Business Machines Corporation) at the time of the invention of the present application, and in fact, Cason is a common inventor on both the issued patent and the present application. Cason, U.S. 6,681,229 issued on 20 Jan 2004, well after the filing date of the present application on 22 Mar 2001, and is, therefore, not available as a publication under 35 U.S.C. 102(b). Applicants cited in the specification of the present case the Cason application which matured into U.S. 6,681,229 as commonly owned (Specification, page 1, lines 5-9 and page 2, lines 1-3).

With respect to Huben, the Examiner cites Huben with respect to claims 2-12, and 14, for teaching the maintenance of a list of all employees authorized by a company to user services. Applicants demur, noting that Huben does not, and is not cited for, the teachings described above with respect

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to company groupings.

With respect to Manning, the Examiner cites Manning with respect to claims 2-12, and 14 for teaching "merging files into a group file". Applicants traverse. Applicants' claims state:

"...on a periodic basis, receiving from each said customer company within a company group a file containing a list of all employees authorized by a company to use said services;

merging said files into a company group file of authorized users..." [Claim 2, emphasis added].

That Manning may merge records into a 'group' file does not teach merging records into a 'company group' file. Applicants further traverse the asserted combination of Manning with Huben inasmuch as neither teach the claimed 'company group' which forms the basis for the merging of records referred to by the claims.

With respect to Schweitzer, the Examiner cites Schweitzer with respect to claim 6 as teaching the

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transmitting of information through a firewall. That such is well known in the art is agreed. However, claim 6 depends from claims 2, 4, and 5, and these refer to features clearly distinguished from all other cited references as previously discussed. Their combination with Schweitzer does not cover all limitations of claim 6.

With respect to Callanan, the Examiner cites Callanan with respect to claim 7 for teaching a secure network being a frame relay network. Claim 7 depends from claims 2, 4, and 6, and when considered as a whole is distinguished from Callanan in combination with Katz, Arledge, Cason, Huben, Manning, and Schwitzer as previously discussed.

SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 1-15.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive

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assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

S. P. Cason, et al.

By


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